

MILPERSMAN 1050-010

DEFINITION OF LEAVE

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Reference	(a) 10 U.S.C. 701
	(b) DoD Instruction 1327.06 of 16 Jun 09

1. **Definition.** Leave, as defined by reference (a), is the authorized absence of a member from a place of duty, chargeable against such member per reference (b), as amended.

2. **Types of Leave.** Following is a classification of leave types in terms of leave accrued, chargeable, non-chargeable, and subject to checkage:

(See next page.)

TYPE OF LEAVE		DEFINITION
Earned (Accrued) Leave:		<p>Earned leave is the term used to describe leave accrued to a member's credit as of any given date.</p> <p>a. Minus Leave Credit: Earned leave may indicate a minus leave credit, but such amount of minus leave credit must not exceed the amount of leave that would normally be earned during the remaining period of obligated active duty (ACDU).</p> <p>b. Excess Leave: A minus leave credit on date of discharge, effective date of first extension of an enlistment, or separation from ACDU is excess leave and is subject to checkage.</p> <p>c. Ordinary Accrual Limit: The account balance of ordinary earned or accrued leave must be reduced to 60 days at the end of the fiscal year (FY), except in the case of Special Accrual; however, effective 1 October 2008 through 30 September 2013 a member's earned or accrued leave must be reduced to 75 days at the end of the FY.</p> <p>d. Special Accrual Limit: For personnel authorized special leave accrual up to 120 days, while assigned to duty under special circumstances, as defined in MILPERSMAN 1050-070.</p>
	(1) Annual (Ordinary) Leave	Annual leave is the term used to describe leave granted in execution of a command's leave program, chargeable to the member's leave account, and is also called ordinary leave, as distinguished from the emergency leave.
	(2) Emergency Leave	Emergency leave is the term used to describe leave granted for a personal or family emergency requiring the member's presence. It is chargeable to the member's leave account.
	(3) Advance Leave	Advance leave is the term used to describe leave granted prior to its accrual to the member's leave account, based on a reasonable expectation that it will be earned by the member during the remaining period of obligated ACDU.

TYPE OF LEAVE		DEFINITION
Non Chargeable Leave:	(1) Convalescent Leave	Convalescent leave is the term used to describe a period of authorized absence granted to persons while under medical care which is part of the care and treatment prescribed for a member's recuperation or convalescence. Convalescent leave is not chargeable to member's leave account.
	(2) Graduation Leave	Graduation leave is the term used to describe a period of authorized absence granted as a delay in reporting to the first duty station in the case of graduates of the Naval Academy who are appointed commissioned officers in the Armed Forces. Graduation leave is not chargeable to member's leave account.
	(3) Adoption Leave	Adoption leave is the term used to describe a period of authorized absence up to 21 days granted to a servicemember who adopts a child under a qualifying adoption. Adoption leave is not chargeable to member's leave account.
	(4) Paternity Leave	Paternity leave is the term used to describe a period of authorized absence up to 10 days granted to a married servicemember whose wife gives birth to a child. Paternity leave is not chargeable to member's leave account.
Leave Subject to Checkage:	Excess Leave	<p>Excess leave is the term to describe leave granted in excess of earned leave and advance leave and during which the member is not entitled to pay and allowances.</p> <p style="margin-left: 40px;">a. A minus leave balance at the time of</p> <ul style="list-style-type: none"> • discharge, • first extension of an enlistment, • separation from ACDU, • desertion, or • death <p>shall be considered as excess leave without regard to the authority under which the leave resulting in a minus leave balance was granted.</p> <p style="margin-left: 40px;">b. The pay and allowances received while on excess leave shall be checked upon the member's return from such leave.</p>